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21 ELI LILLY AND COMPANY

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA
24 SAN FRANCISCO DIVISION

25 STATE OF CALIFORNIA *ex rel.* JAYDEEN) Case No. 07-cv-04911-SI
26 VICENTE and JAYDEEN VICENTE)
27 Individually,) Assigned to: Hon. Susan Illston
28)
Relators,) [PROPOSED] ORDER GRANTING
v.) DEFENDANT ELI LILLY AND
ELI LILLY AND COMPANY,) COMPANY'S MOTION TO DISMISS
Defendant.) UNDER RULES 12(b)(1), 12(b)(6) AND 9(b)
_____) WITH PREJUDICE
_____) Date: November 16, 2007
_____) Time: 9:00 a.m.
_____) Place: Courtroom 10, 19th Floor

Defendant Eli Lilly and Company's ("Lilly") Motion to Dismiss Under Rules 12(b)(1), 12(b)(6) and 9(b), came on for hearing before this Court on November 16, 2007 at 9:00 a.m. All parties were represented by counsel.

Having considered the moving and opposition papers and heard the oral arguments of counsel, the Court HEREBY ORDERS as follows:

1. Lilly's Motion to Dismiss Under Rules 12(b)(1), 12(b)(6) and 9(b) is GRANTED; and

2. Plaintiff's Complaint is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED

DATED: November __, 2007

Honorable Susan Illston
United States District Judge